

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David NEEDHAM

Application No.: 10/083,734

Confirmation No.: 3807

Filed: February 2, 2002

Art Unit: 1615

For: TEMPURATURE SENSITIVE LIPOSOMAL
FORMULATION

Examiner: Eric E. Silverman

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated November 2, 2006, Applicant provides the following election.

Applicant notes that presently claims 57, 59-64, and 66-175 are pending in the application. The status of claims 162, 163, 168, 169, and 172 was not addressed in the Restriction Requirement. Since these claims are drawn to liposomes (claims 162, 163, and 172) and pharmaceutical compositions comprising liposomes (168 and 169), Applicant believes these claims to have been inadvertently omitted from Group II. Assuming this to be true, Applicant elects Group II, claims 66-69, 77, 83-136, 162, 163, and 166-171, without traverse. If Applicant's assumption is incorrect, Applicant respectfully requests that a new Restriction Requirement be issued addressing all of the pending claims.

In addition to requiring Applicant to elect a group of claims for examination, the Office Action of November 2, 2006 also requires Applicant to make an election of species. Accordingly, Applicant elects doxorubicin as the active ingredient, surface active agent as the second component, lysolipid as the surface active agent, polyethylene glycol as the hydrophilic polymer, MSPC as the lysolipid, and DPPC as the phospholipid. Claims 66, 67, 69, 77, 86, 93, 97, 98, 100, 102, 103, 107, 116-122, 124, 125, 128, 131, 132, 133, 134, 135, 162, 163, and 166-172 are readable thereon.

The Office Action of November 2, 2006 also required Applicant to elect a species of configuration of active ingredient. Applicant elects the configuration where the active ingredient is

in the interior of the liposome. Claims 66, 67, 69, 77, 86, 93, 97, 98, 100, 102, 103, 107, 116-122, 124, 125, 128, 131, 132, 133, 134, 135, 162, 163, and 166-172 are readable thereon.

Applicant's representative authorizes the Commissioner to charge \$ 225, the fee for a two month extension of time for a small entity, to Deposit Account No. 22-0185, under Order No. 14514-00007-US from which the undersigned is authorized to draw.

Dated: February 2, 2007

Respectfully submitted,

By /Lawrence J. Carroll/

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